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| 10/098,513 | 03/18/2002 | Anders Krantz | 3682-23 | 4403 |

23117 7590 04/19/2007
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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| EXAMINER |
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AILES, BENJAMIN A

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| ART UNIT | PAPER NUMBER |
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'2142

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/19/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/098,513 | KRANTZ ET AL. | |
| | Examiner | Art Unit | |
| | Benjamin A. Ailes | 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 December 2006 has been entered.
2. Claims 1-16 and 18-22 remain pending. Claim 17 has been canceled without prejudice.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-4, 9, 10, 15, 16 and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Siefert (US 6,334,779).

5. Regarding claim 1, Siefert discloses a control system for achieving quality ensured competence development, wherein said system is connected to a distributed computer network, wherein said system comprises:

at least one first memory device connected to said distributed computer network and operable to store all course sections of different courses and an ideal time for each course section (Fig. 1, repositories, col. 5, ll. 20-24 and col. 8, ll. 47-51, resources for courses are stored within repositories),

at least one second memory device connected to said distributed computer network and operable to store all studied material affiliated with said course section (col. 5, line 64 – col. 6, line 3, user accesses materials, or resources, within repositories),

at least one third memory device connected to said distributed computer network and operable to store individual-adapted course plans (col. 6, line 65 – col. 7, line 10, learning profile),

at least one control device connected to said distributed computer network and operable in calculating and indicating a planned completion date for each individual course plan with the aid of said ideal time for different course sections and the time spent by said individual on different course sections (col. 4, ll. 38-46 and col. 9, ll. 45-50, use of an intelligent administrator), and

at least one fourth memory device connected to said distributed computer network and operable to store the course plans and course sections that have been

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completed with respect to each individual (Fig. 1, repositories, col. 5, ll. 20-24 and col. 8, ll. 47-51, resources for courses are stored within repositories, col. 3, ll. 34-39, student progress is tracked).

6. Regarding claim 2, Siefert discloses the control system for achieving quality ensured competence development wherein each individual obtains access to said control system by means of a computer device connectable to said distributed computer network, and in that the control system also includes at least one recording device operable in recording the time spent for each course section by each individual (col. 4, line 65 – col. 5, line 4, use of personal computers, col. 9, ll. 37-44, measure rate of learning).

7. Regarding claim 3, Siefert discloses the control system for achieving quality ensured competence development wherein the distributed computer network is the Internet or a Wide Area Network (WAN) (Figure 1 and col. 2, ll. 15-16 and 44-47).

8. Regarding claim 4, Siefert discloses the control system for achieving quality ensured competence development wherein said at least one first memory device, said at least one third memory device and said at least one fourth memory device are comprised of at least one first server device; and in that said at least one second memory device is comprise of a second server device (Fig. 1 and col. 4, line 55 – col. 5, line 7).

9. Regarding claim 9, Siefert discloses the control system for achieving quality ensured competence development wherein access to the control system is obtained through the medium of a password or security codes (col. 6, ll. 34-39).

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10. Regarding claim 10, Siefert discloses a method of achieving quality ensured competence development with the aid of a control system for achieving quality ensured competence development, wherein the method comprising:

choosing from a first memory device included in the control system and operable in storing all course sections for different courses and an ideal time for each course section of the courses, wherein the course sections for an individual adapted course plan, and storing said course plan in a third memory device included in the control system (Fig. 1, repositories, col. 5, ll. 20-24 and col. 8, ll. 47-51, resources for courses are stored within repositories, col. 6, line 65 – col. 7, line 10, learning profile);

downloading study material affiliated with said chosen course sections in the course plan, wherein the course sections are downloaded from a second memory device included in the control system and operable in storing all study material (col. 5, line 64 – col. 6, line 3, user accesses materials, or resources, within repositories);

tracking time spent by said individual on each of the different course sections in the course plan (col. 9, ll. 37-44, measure rate of learning),

calculating and indicating a planned completion date for said course plan by means of a control device included in the control system and with the aid of said ideal time for different course sections and also with the aid of the time spent by said individual on different course sections (col. 4, ll. 38-46 and col. 9, ll. 45-50, use of an intelligent administrator); and

when one or more course sections or the course plan has/have or has been completed, storing said course section/sections and/or course plan in a fourth memory

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device included in the control system(Fig. 1, repositories, col. 5, ll. 20-24 and col. 8, ll. 47-51, resources for courses are stored within repositories, col. 3, ll. 34-39, student progress is tracked).

11. Regarding claim 15, Siefert discloses the method of achieving quality ensured competence development, further comprising, when study material has been revised in the second memory device, the revised study material is distributed to those individuals who have chosen the course section affiliated with said study material (col. 6, ll. 32-39).

12. Regarding claim 16, Siefert discloses the method of achieving quality ensured competence development wherein access to the control system is obtained by entering a password or security codes (col. 6, ll. 34-39).

13. Regarding claim 18, Siefert discloses a method for selecting, taking and validating a individually adapted course plan using a networked computer system including a user computer device in communication with a control system, wherein the control system includes a first memory device storing course sections for different courses and an ideal time for each course section, a second memory device storing study material for each course section, a third memory device storing individually adapted course plans and a fourth memory device storing completed course sections and course plans, and the method comprises:

through the user computer device, a user accesses the control system and the first memory device to choose a plurality of course selections to create an individual adapted course plan for the user to achieve a predetermined level of competence wherein the course plan is adapted based on an individual competence of the user

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before taking the course selections (col. 4, line 65 – col. 5, line 4, col. 4, ll. 21-26, col. 7, line 66 – col. 8, line 4 and col. 8, ll. 47-51);

storing the individual adapted course plan in the third memory device (Fig. 1, repositories, col. 5, ll. 20-24 and col. 8, ll. 47-51, resources for courses are stored within repositories, col. 3, ll. 34-39, student progress is tracked);

through the user computer device, the user downloads study material for each chosen course section from the second memory device in the control system (col. 5, line 64 – col. 6, line 3, user accesses materials, or resources, within repositories);

recording a progress of the user in taking and completing each of the course sections (col. 8, ll. 5-9);

calculating a planned completion date for the individual adapted course plan using the ideal time for the chosen course sections and the recorded progress of the user (col. 4, ll. 38-46 and col. 9, ll. 45-50, use of an intelligent administrator);

after completing each course section, the user takes a test using the user computer device and the test is graded, wherein an indication of the completed course section is stored in the fourth memory device (col. 9, ll. 1-10), and

after completing a course plan, an indication that the user completed the course plan is stored in the fourth memory device (col. 9, ll. 1-10).

14. Regarding claim 19, Siefert discloses the method further comprising validating a user before the user takes course sections wherein the validation comprises:

validating a user to determine the individual competence of the user based on a consultation with a user and a supervisor (col. 9, ll. 45-49); and

wherein the choosing of course selections is determined, at least in part, based on the individual competence of the user (col. 8, ll. 13-21).

15. Regarding claim 20, Siefert discloses the method wherein the test is generated from a randomized list of test items (col. 9, ll. 1-10).

16. Regarding claim 21, Siefert discloses the method wherein the test comprises test questions regarding theoretical questions and test items of practical events related to the course section (col. 9, ll. 37-44).

17. Regarding claim 22, Siefert discloses the method wherein the test items of practical events are presented to the user in a chronological order in accordance with a production process or station system corresponding to the practical events (col. 9, ll. 37-44).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

20. Claims 5-8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert in view of Holtz et al. (US 6,909,874 B2), hereinafter referred to as Holtz.

21. Regarding claim 5, Siefert teaches individuals utilizing computer devices (PCs) (col. 4, line 65 – col. 5, line 4) and the status tracking of individual users with respect to course section progress (col. 8, ll. 5-9). Siefert does not teach the explicit use of different cursors that indicate different statuses of a course section with respect to a given individual. However, in related art, Holtz teaches a system and method for providing educational training via networking means (col. 1, ll. 50-54) wherein a student can access class lessons using a computer workstation and a GUI (col. 21, ll. 43-47). Holtz teaches further wherein the GUI displays lessons sections which correspond with icons or hot spots which indicate utilizing a color scheme the lessons sections that have a status with respect to progress (col. 21, line 66 – col. 22, line 14). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to enhance the PCs used by users as taught by Siefert wherein users can access course sections by implementing the GUI as taught by Holtz which includes status progress icons for view by the student. One of ordinary skill in the art at would have been motivated to make such a combination wherein it is taught by Holtz the usefulness of students being able to view a GUI wherein the learning experience is enhanced and made more user friendly where nontraditional media intensive methods are needed due to the industry becoming more complex and diverse and it is needed for teaching of

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students to become more standard through Internetworking means(Holtz, col. 2, ll. 2-10).

22. Regarding claim 6, Siefert and Holtz teach the control system for achieving quality ensured competence development wherein a first cursor denotes that a course section has been completed, a second cursor denotes that a course section is ongoing, and a third cursor denotes that a course section has been commenced but not yet completed (Holtz, col. 21, line 66 – col. 22, line 14).

23. Regarding claim 7, Siefert discloses the control system for achieving quality ensured competence development wherein a fourth cursor functions to start and stop the recording of the time spent on a respective course section by the recording device (Holtz, col. 21, line 66 – col. 22, line 14).

24. Regarding claim 8, Siefert and Holtz teach the control system for achieving quality ensured competence development wherein a fifth cursor enables an individual to communicate with a teacher in writing (Holtz, col. 21, ll. 14-21).

25. Regarding claim 11, Siefert teaches individuals utilizing computer devices (PCs) (col. 4, line 65 – col. 5, line 4) and the status tracking of individual users with respect to course section progress (col. 8, ll. 5-9). Siefert does not teach the explicit use of different cursors that indicate different statuses of a course section with respect to a given individual. However, in related art, Holtz teaches a system and method for providing educational training via networking means (col. 1, ll. 50-54) wherein a student can access class lessons using a computer workstation and a GUI (col. 21, ll. 43-47). Holtz teaches further wherein the GUI displays lessons sections which correspond with

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icons or hot spots which indicate utilizing a color scheme the lessons sections that have a status with respect to progress (col. 21, line 66 – col. 22, line 14). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to enhance the PCs used by users as taught by Siefert wherein users can access course sections by implementing the GUI as taught by Holtz which includes status progress icons for view by the student. One of ordinary skill in the art at would have been motivated to make such a combination wherein it is taught by Holtz the usefulness of students being able to view a GUI wherein the learning experience is enhanced and made more user friendly where nontraditional media intensive methods are needed due to the industry becoming more complex and diverse and it is needed for teaching of students to become more standard through Internetworking means(Holtz, col. 2, ll. 2-10).

26. Regarding claim 12, Siefert and Holtz teach the method of achieving quality ensured competence development wherein the control system includes at least one recording device operable in recording the time spent by each individual on different course sections, wherein the method further comprises the step of using a fourth cursor for starting and stopping recording of the time spent on a course section by the recording device (Holtz, col. 21, line 66 – col. 22, line 14).

27. Regarding claim 13, Siefert and Holtz teach the method of achieving quality ensured competence development further comprising using a fifth cursor displayed on the display device to enable an individual to communicate with a teacher in writing (Holtz, col. 21, ll. 14-21).

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28. Regarding claim 14, Siefert and Holtz teach the method of achieving quality ensured competence development wherein the distributed computer network is the Internet or a Wide Area Network (WAN) (Siefert, Figure 1 and col. 2, ll. 15-16 and 44-47).

Response to Arguments

29. Applicant's arguments with respect to claims 1-16 and 18-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peterson et al. (US 5,957,699) teaches a remote computer-assisted professionally supervised teaching system.

Prewitt (US 6,421,525 B1) teaches an enhanced learning aid).

Ho et al. (US 7,201,580 B2) teaches an inexpensive computer-aided learning method and apparatus.

Barrett et al. (US 2002/0098468 A1) teaches a method for constructing and teaching a curriculum.

Gray et al. (US 6,944,596 B1) teaches an employee analysis based on results of an education business simulation.

Tudor et al. (US 2003/0017442 A1) teaches a standards-based adaptive educational measurement and assessment system and method.

Stuppy (US 2003/0198931 A1) teaches a system and method for conducting a learning session using teacher and student workbooks.

Fields et al. (US 6,347,943 B1) teaches a method and system for creating an individualized course of instruction for each user.

Remschel (US 6,411,796 B1) teaches a computer assisted learning system.

Whitehurst et al. (US 6,978,115 B2) teaches a method and system for training in an adaptive manner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa


BEATRIZ PRIETO
PRIMARY EXAMINER